

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

GARY WILLIAM HOLT,
and STEPHANIE EVE HOLT,

Plaintiffs,

v.

No. 16-1082

DON LASTER,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION,
DISMISSING COMPLAINT &
DISMISSING OTHER PENDING MOTIONS AS MOOT

On April 29, 2016, the pro se Plaintiffs, Gary William Holt and Stephanie Eve Holt, filed a complaint against Defendant, Don Laster. (Docket Entry (“D.E.”) 1.) On May 20, 2016, Defendant filed a motion seeking dismissal of the complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (D.E. 10.) In a report and recommendation entered on November 14, 2016, United States Magistrate Judge Edward Bryant recommended that Defendant’s motion be granted and that the complaint be dismissed. (D.E. 21.) Judge Bryant concluded that the Court did not have subject matter jurisdiction because there was no diversity of citizenship. (*Id.* at PageID 126.) Further, he found that the complaint failed to state a claim upon which relief could be granted. (*Id.*) No objections to the report and recommendation have been filed, and the deadline for doing so has passed. *See* 28 U.S.C. § 636(b)(1).

Upon careful review of the report and recommendation, the dispositive motion, and the relevant documents in the record, the Court finds the recommendation is correct in all respects. Accordingly, the report and recommendation is ADOPTED as the order of the Court. The

Defendant's motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) is GRANTED, and this matter is DISMISSED in its entirety. Additionally, Defendant filed a motion to dismiss for lack of prosecution, (D.E. 19), and a motion for status update (D.E. 20). This Court's decision renders those motions moot and they are DISMISSED.

IT IS SO ORDERED this 12th day of December 2016.

s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE